

IN RE: PETITION FOR SPECIAL HEARING
W/End of Brice Court, 133.01'
E of the c/l of Hanwell Road
(Lot 3, Section 3, of Woods
of Winands - North)
2nd Election District
3rd Councilmanic District
Kenneth Fan
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-254-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, Kenneth Fan. The Petitioner requests a special hearing to amend the previously approved First Amended Final Development Plan for Sections 1 and 2 of the Woods of Winands to permit a resubdivision of Lot 3 thereof, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Kenneth Fan, property owner, and Leonard T. Bohager, Professional Engineer, with Hicks Engineering Company, Inc. There were no Protestants.

Testimony and evidence presented indicated that the subject property, known as Lot 3 of Section 3 of the Woods of Winands - North, consists of 6.312 acres, more or less, zoned D.R. 3.5 and is currently unimproved. The Petitioner is desirous of subdividing the property to create twenty (20) individual lots for development with single family dwellings in accordance with Petitioner's Exhibit 1. Mr. Bohager testified that the proposed amendment has received CRG and Planning Board approval.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks

relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of March, 1993 that the Petition for Special Hearing requesting approval of an amendment to the previously approved First Amended Final Development Plan for Sections 1 and 2 of the Woods of Winands to permit a resubdivision of Lot 3 thereof, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/13/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
March 8, 1993

Mr. Kenneth Fan
8849 Doves Fly Way
Laurel, Maryland 20723

RE: PETITION FOR SPECIAL HEARING
N/End of Brice Court, 133.01' E of the c/l of Hanwell Road
(Lot 3, Section 3, Woods of Winands-North)
2nd Election District - 3rd Councilmanic District
Kenneth Fan - Petitioner
Case No. 93-254-SPH

Dear Mr. Fan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Leonard Bohager
Hicks Engineering Co., Inc.
200 E. Joppe Road, Suite 402, Towson, Md. 21204

People's Counsel

File

TMK:bjs

Petition for Special Hearing 93-254-SPH to the Zoning Commissioner of Baltimore County

For the property located at Brice Court, North of Hanwell Road
Randallstown, MD 21133
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve.

To Amend the previously approved First Amended Final Development Plan Section 1 & 2, The Woods of Winands in lieu of notification to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question (Section 1801.3-ATC1)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease	Legal Owner(s)	
(Type or Print Name)	Kenneth Fan	
Signature	<i>Kenneth Fan</i>	
Address	(Type or Print Name)	
City	State	Zipcode
Signature	Address	Phone No.
Attorney for Petitioner	8849 Doves Fly Way (301) 494-7764	Phone No.
(Type or Print Name)	Laurel, MD 20723	City
Signature	Address and phone number of legal owner(s) must be furnished for notification or to be contacted.	State
Address	Phone No.	Zipcode
City	State	Zipcode
Signature	Address	Phone No.
ESTIMATED LENGTH OF HEARING	Best Two Months	
REVIEWED BY: JCM	DATE: 1-28-93	
#260		

ORDER RECEIVED FOR FILING
Date 3/13/93
By [Signature]

Description to Accompany
Petition for Special Hearing

Lot 3 Section 3
Woods of Winands North
Randallstown, MD 21133
January 26, 1993

Beginning for the same on the north end of Brice Court as measured N 36°44'30" E 133.01 feet from the centerline of Hanwell Road and being all of Lot 3 as laid out and shown on a plat entitled "Section Three The Woods of Winands North" dated January 29, 1982 and recorded in the Plat Records of Baltimore Co., MD on May 12, 1982 in Plat Book E.H.K. Jr. 48 folio 148.

Leonard T. Bohager
1-28-93

#260

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 3/13/93

Posted for: Special Hearing

Petitioner: Kenneth Fan

Location of property: Brice Court, 133' N of Hanwell Rd

Location of Signs: Along road way, on property of Petitioner

Remarks: None

Posted by: [Signature] Date of return: 3/19/93

Number of Signs: None

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/11, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/11, 1993.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

\$71.43

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

1/28/93 H93-00260

PUBLIC HEARING FEES	DTY	PRICE
040 - SPECIAL HEARING (OTHER)	1 X	\$250.00
LAST NAME OF OWNER: FAN	TOTAL:	\$250.00

04A0480005MCHRC \$250.00
PA 002127PM01-28-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

93-254
HD 3/4

PUBLIC HEARING FEES	DTY	PRICE
040 - SPECIAL HEARING (OTHER)	1 X	\$250.00
LAST NAME OF OWNER: FAN	TOTAL:	\$250.00

04A0480005MCHRC \$250.00
PA 002127PM01-28-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

DATE: 2-17-93

Kenneth Fan
8849 Doves Fly Way
Laurel, Maryland 20723

RE: CASE NUMBER: 93-254-SPH (Item 260)
Brice Court, 133' N of Hanwell Road
Brice Court (The Woods of Winands)
2nd Election District - 3rd Councilmanic
Legal Owner(s): Kenneth Fan
HEARING: THURSDAY, MARCH 4, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 71.43 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Bel Jahn
ARWOLD JAHN
DIRECTOR

111 West Chesapeake Avenue
Towson, MD 21204

FEB. 04 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-254-SPH (Item 260)

Brie Court, 133' N of Hamell Road

Brie Court (The Woods of Winands)

2nd Election District - 3rd Councilmember

Legal Owner(s): Kenneth Fan

HEARING: THURSDAY, MARCH 4, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to amend the previously approved First Amended Final Development Plan, Section 1 and 2, The Woods of Winands in lieu of notification to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question.

Arnold Jablon

Arnold Jablon
Director

cc: Kenneth Fan

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 24, 1993

Mr. Kenneth Fan
8849 Doves Fly Way
Laurel, MD 20723

RE: Case No. 93-254-SPH, Item No. 260
Petitioner: Kenneth Fan
Petition for Special Hearing

Dear Mr. Fan:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 28, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



2-12-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: + 260 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 245-0461 D.C. Metro - 1-800-492-5082 Statewide Toll Free
107 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: February 16, 1993

SUBJECT: Brie Court, North of Hanwell Road

INFORMATION:

Item Number: 260

Petitioner: Kenneth Fan

Property Size:

Zoning: D.R. 3.5

Requested Action: Special Hearing

Hearing Date: 3/4

SUMMARY OF RECOMMENDATIONS:

The Final Development Plan should be amended to note the C.R.G. approval for the subject portion of the property.

Prepared by:

Division Chief:

PK/JL:lw

260.ZAC/ZAC1

Pg. 1

DATE: Feb 18, 1993

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb 8, 1993

There are no comments on item numbers 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267 and 268

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
FEB 18 1993

ZONING OFFICE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 11, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #260
The Woods of Winands, Brie Court
Zoning Advisory Committee Meeting of February 8, 1993

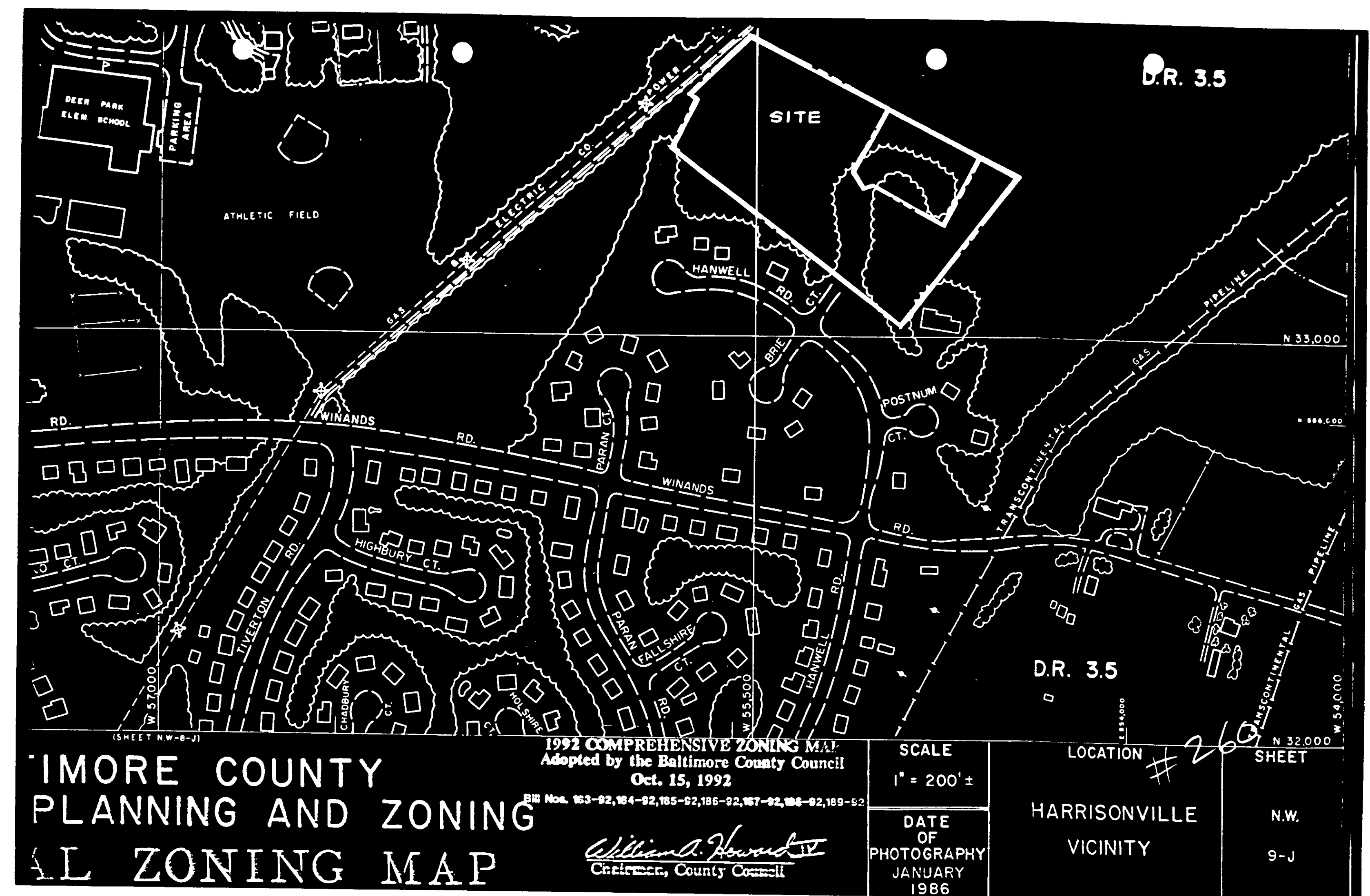
The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

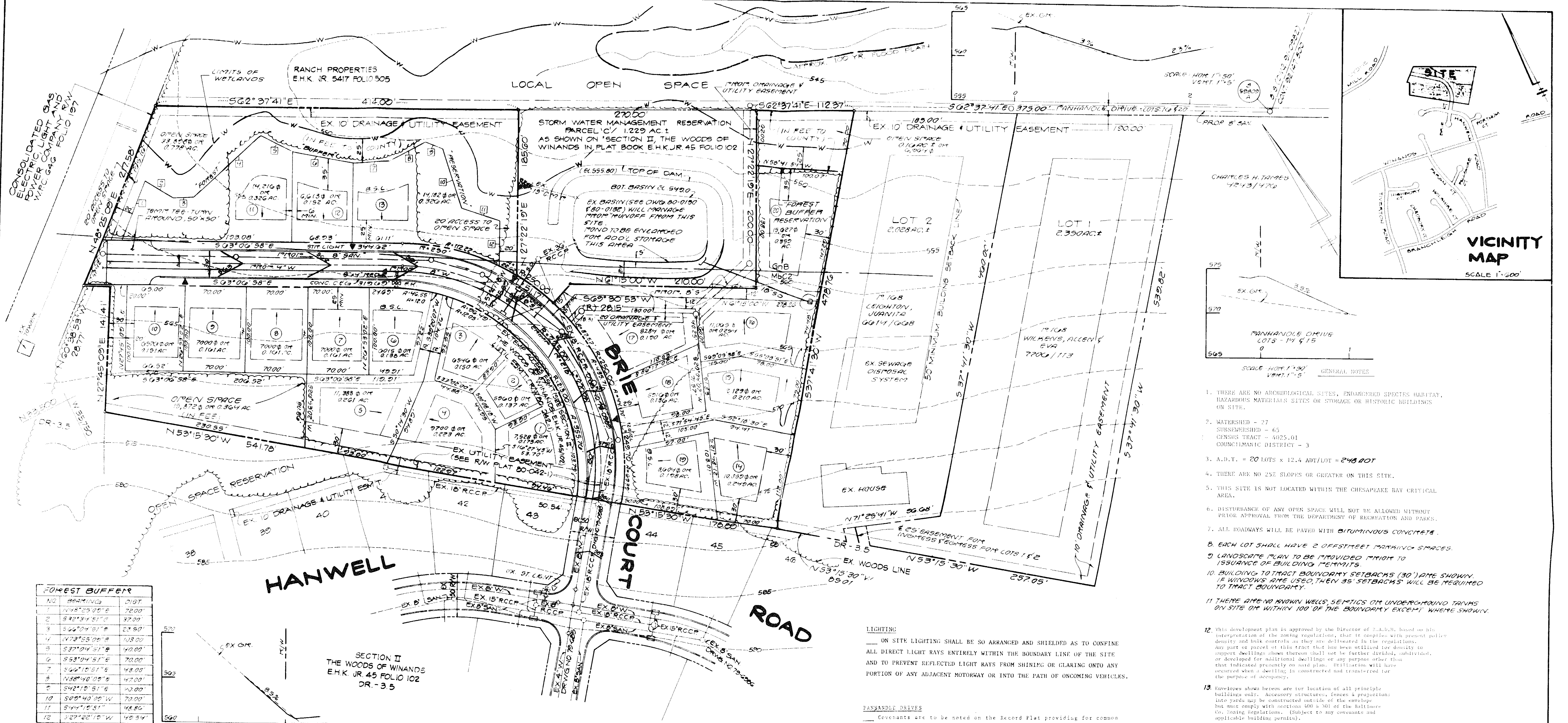
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:VR:sp

WOODS/TXTSBP

Printed on Recycled Paper





NO.	BEARING	DIST.
1	N 48° 25' 00" E	72.00'
2	S 42° 34' 51" E	97.00'
3	S 62° 04' 51" E	23.50'
4	N 73° 55' 00" E	103.00'
5	S 37° 04' 41" E	40.00'
6	S 53° 04' 51" E	70.00'
7	S 60° 10' 51" E	43.00'
8	N 82° 40' 00" E	47.00'
9	S 42° 12' 51" E	42.00'
10	S 60° 40' 00" W	70.00'
11	S 44° 10' 51" E	48.85'
12	S 27° 22' 10" W	48.54'

SECTION II
THE WOODS OF WINANDS
E.H.K. JR. 45 FOLIO 102
DR-35

SOIL TYPES & LIMITATIONS			
TYPE	HOMESITES W/BASEMENTS	STREETS & PARKING LOTS	GROUPS
GmB	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	C
MbC2	MODERATE: SLOPE	SEVERE: SLOPE	B

LANDSCAPE REQUIREMENTS

1. 1 P.U. (20 L.F. INTERIOR ROAD)
584 L.F. + 20 = 20.2 P.U. (75% MAJOR TREES = 22)
2. STORMWATER MANAGEMENT FACILITY SHALL BE EFFECTIVELY SCREENED FROM ADJACENT LOTS (GRASS & SCREENING)
3. A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO ISSUANCE OF A BUILDING PERMIT.

DENSITY CALCULATIONS
GROSS SITE AREA = 6.112 AC.
AREA W/ ROAD DEDUCTION = 37,913 SF OR 0.857 AC.
NET AREA = 5.255 AC.
CURRENT ZONING = DR-35
TOTAL NO. LOTS ALLOWED IN DR-35 = 6,312 x 3.5 = 22,092
TOTAL NO. OF LOTS PROPOSED = 20 LOTS
ALL LOTS ARE FOR SALE
OPEN SPACE REQUIREMENTS
OPEN SPACE REQUIRED = 20 LOTS x 450 SF/LOT = 9,000 SF
OPEN SPACE PROVIDED = 128,000 SF
OPEN SPACE TO BE PROVIDED TO AND MAINTAINED BY BALTIMORE COUNTY, MD.

LIGHTING
ON SITE LIGHTING SHALL BE SO ARRANGED AND SHIELDED AS TO CONFINED ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF ONCOMING VEHICLES.

PANHANDLE DRIVES
Covenants are to be noted on the Record Plat providing for common use and maintenance of the panhandle driveway(s) and culvert, if any.
The panhandle driveway shall be built in accordance with standards established by the Director of Public Works. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever occurs first.

1. "Temporary boundary markers and tree protection devices shall be installed coincidentally with the limits of disturbance prior to any clearing or grading."
2. "Disturbance of the Open Space beyond the limits shown on the plan will not be allowed without prior approval from the Department of Recreation and Parks."
3. "An extension of the Metropolitan District boundary is required to include this property before Public Water can be extended to serve this property."

NOTE: DEVELOPMENT OF THE PROPERTY MUST COMPLY WITH THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOOD PLAINS.

OFFICE OF PLANNING AND ZONING APPROVED BY:	
DIRECTOR OF PLANNING	DATE
DIRECTOR OF Z.A.D.M.	DATE

Pet Ex #1

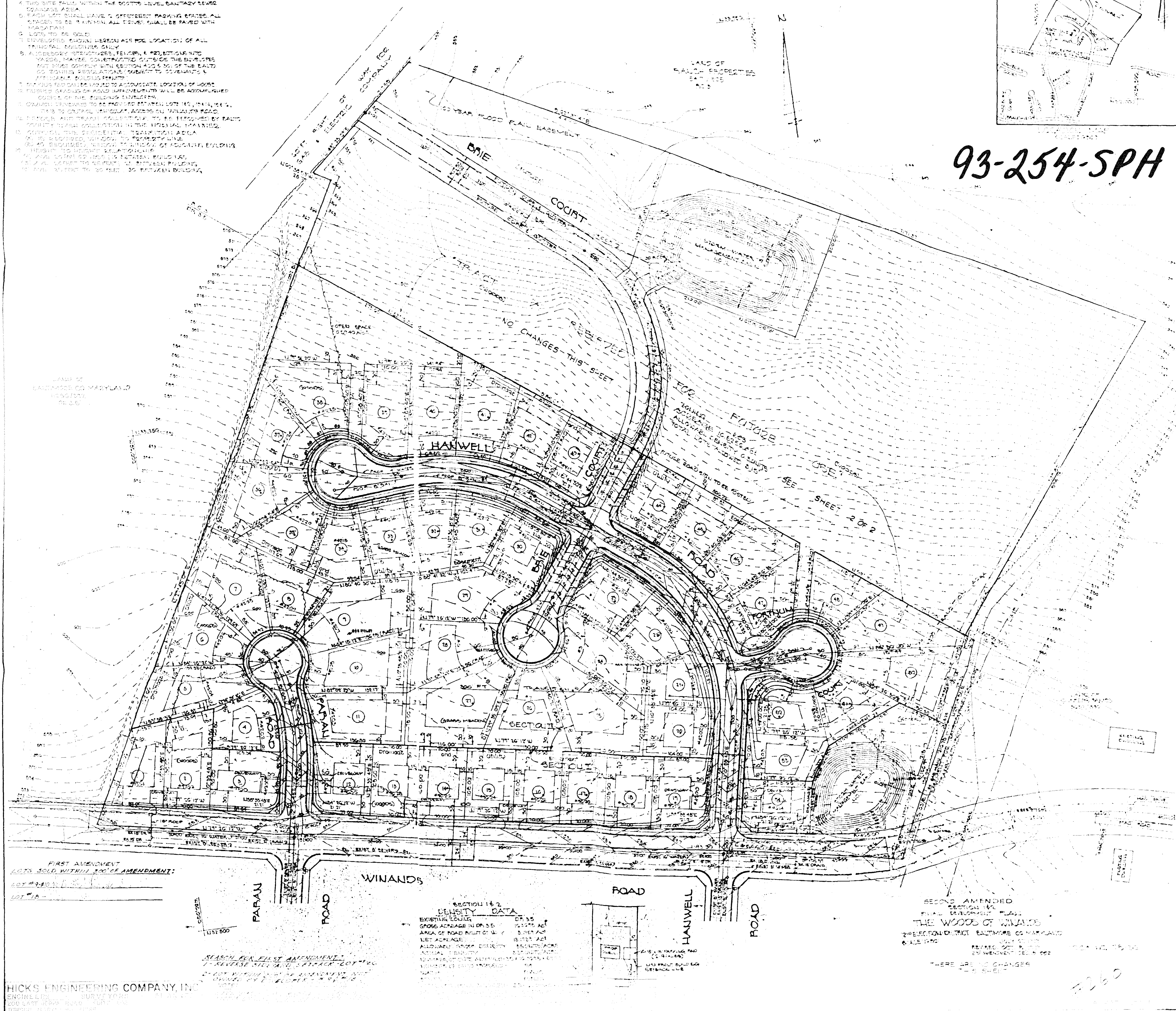
CITY NO. 22-020 "2ND AMENDED"

FINAL DEVELOPMENT PLAN
RESUBDIVISION OF LOT 3 SECTION 3
WOODS OF WINANDS - NORTH
(PREVIOUSLY RECOMBOD BY E.H.K. JR. 45 FOLIO 102)
BALTIMORE COUNTY, MARYLAND SECTION DISTRICT NO. 2
SCALE: 1"=50' DATE: 11-12-92 SHEET 2 OF 2

HICKS ENGINEERING CO., INC.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
ROCKY HILL, MARYLAND 21154

-

93-254-SPH



HICKS ENGINEERING COMPANY, INC.
ENGINEERS SURVEYORS
200 EAST JORDAN ROAD
JORDAN, ILLINOIS 62450

REASON FOR FIRST AMENDMENT:
1- REVERSE SIDE AND SETBACK- LOT 120
2- LOT WITHIN 2' OF ADJACENT LOT

SECTION 18.2
DENSITY DATA

EXISTING TOLLING	0.935
POSE AGE IN IN OF 55	13.125 AC
AREA OF ROAD RIGHT OF WAY	5.165 AC
ET AGE	13.125 AC
LOWLAND POSE DENSITY	15.000 AC
FINAL DENSITY	15.000 AC
NUMBER OF ACRES ADJUSTED	15.000 AC
NUMBER OF ACRES ADJUSTED	15.000 AC

SECOND AMENDED
SECTION IV
FINAL DEVELOPMENT PLAN
THE WOODS OF WINDYBROOK
2 ELECTRONIC DISTRICT BALTIMORE CO MARYLAND
8-15-1980 JULY 1980
REVIEWED BY: J. K. KIRBY
2ND AMENDMENT JUL 5 1982

THERE ARE NO CHANGES
- 8 - SHEET